



## MEMORANDUM

**DATE:** June 8, 2005

**TO:** All State Agencies

**FROM:** State Personnel Board  
Merit Employment and Technical Resources Division

**SUBJECT:** 2005-2006 BIENNIAL STATEWIDE LANGUAGE SURVEY

The purpose of this memorandum is to inform all state agencies of their responsibility to conduct a biennial statewide language survey in compliance with the provisions of the Dymally-Alatorre Bilingual Services Act (Act). The Act requires every state agency, excluding the State Compensation Insurance Fund, to conduct a biennial language survey and to report its survey findings to the State Personnel Board (SPB) no later than March 31<sup>st</sup> of every even-numbered year.

The purpose of the Act is to eliminate language barriers that might preclude California's residents, who are Limited-English Proficient (LEP), from accessing government information and services. The Act requires each state agency to survey each of its local offices every two years to obtain information about the public served. The language survey is intended to determine the following:

1. The number of public contact positions in each local office.
2. The number of bilingual employees in public contact positions in each local office, and the languages they speak, other than English.
3. The number and percentage of non-English-speaking people served by each local office, by native language.
4. The number of anticipated vacancies in public contact positions.
5. Whether the use of other available options, including contracted telephone-based interpretation services, in addition to bilingual persons in public contact positions, is serving the language needs of the people served by the agency.
6. A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Government Code Sections 7295.2 and 7295.4.
7. A list of the materials that have been translated and the languages into which they have been translated.

8. The number of additional bilingual public contact staff, if any, needed at each local office to comply with the Act.
9. Any other relevant information requested by SPB.

SPB is responsible for informing state agencies of their responsibilities under the Act and for providing departments with technical assistance. This includes developing the language survey methodology, forms and other required documents to collect and report survey data, and compiling the results of the language survey into a Report to the Legislature. State agencies are required to submit the 2005-06 language survey information to SPB no later than March 31, 2006.

Typically, each state department assigns an individual to serve as its Language Survey Coordinator who directs and oversees its data collection process. In order to assist Language Survey Coordinators in gathering and submitting the necessary information, SPB is conducting two training sessions, as follows:

<b>SESSION:</b>	<b><u>Session 1:</u></b>	<b><u>Session 2:</u></b>
<b>WHO SHOULD ATTEND:</b>	Departments that <u>Participated</u> in the 2003/2004 Language Survey	Departments that <u>did not Participate</u> in the 2003/2004 Language Survey
<b>DATE:</b>	<b>Thursday June 23, 2005</b>	<b>Thursday June 23, 2005</b>
<b>TIME:</b>	<b>9:00 a.m. to 11:00 a.m.</b>	<b>2:00 p.m. to 4:00 p.m.</b>
<b>PLACE:</b>	State Personnel Board 801 Capitol Mall – Room 312 Sacramento, CA	State Personnel Board 801 Capitol Mall – Room 312 Sacramento, CA

SPB would appreciate the department contacting the Bilingual Services Program (BSP) by e-mail at [bilingual@spb.ca.gov](mailto:bilingual@spb.ca.gov) to confirm its attendance. This training class will only be offered on the date/times indicated above. However, over the next few months the BSP will conduct other individualized training sessions that cover specific topics related to the Act, such as "Conducting an Accurate and Meaningful Language Survey." These may be helpful to your coordinator in better understanding the Act and its requirements.

The first step in the language survey process is to complete and return the attached Departmental Information (Form A) to SPB no later than July 29, 2005. The department will also be asked to: (1) select a language survey period of two non-consecutive weeks, (2) at the conclusion of its second survey week, to enter the required survey information into the SPB's automated system, and (3) submit its completed survey documentation to SPB no later than March 31, 2006.

Alternatively, if the department feels it meets the stated criteria, it may chose to submit a Request for Exemption (Form G) from participation in the 2005-06 language survey. Your department should attend one of the training sessions, even if it plans on requesting an exemption. As the language survey training will only be offered on June 23<sup>rd</sup>, it is imperative that your department fully understand the requirements of the Act in the event an exemption is not approved. This also ensures your staff have received the necessary information regarding the criteria for exemption requests. The due date for submission of the Form G to SPB is October 31, 2005. If the SPB does not receive an exemption request, along with all of the required documentation by this due date, an exemption cannot be considered.

The BSP staff looks forward to meeting your departmental representative and to providing assistance in facilitating compliance with the Act. If you have any questions regarding this memorandum or your department's responsibilities for participating in the 2005-06 language survey, please do not hesitate to contact us at (916) 651-9017 or TDD Number at (916) 651-8782.

Karen Coffee, Chief

Attachments



**2005-06 LANGUAGE SURVEY  
Contact Information For**

**Form A**

\_\_\_\_\_  
(State Agency Name)

To: State Personnel Board  
Bilingual Services Program  
P.O. Box 944201  
Sacramento, CA 94244-2010

Date: \_\_\_\_\_  
**[Please complete & Return  
by July 29, 2005]**

Telephone: (916) 651-9017  
Fax Number: (916) 654-6946

The above-named state agency is providing the following information regarding its participation in the 2005-2006 Language Survey:

- ☐ The Department will be participating in the language survey and has assigned the following individual as its Language Survey Coordinator:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Telephone Number: (     ) \_\_\_\_\_

Fax Number: (     ) \_\_\_\_\_

- ☐ The Department will be requesting an Exemption from participation in the language survey. A Request for Exemption (Form G) will be submitted to the SPB for consideration, no later than October 31, 2005. The department's representative responsible for coordinating its exemption request is:

Name: \_\_\_\_\_

Telephone Number: (     ) \_\_\_\_\_

Submitted By: \_\_\_\_\_

(Name & Title)



## 2005-2006 LANGUAGE SURVEY Request for Exemption For

Form G

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(State Agency Name)

**To:** State Personnel Board  
Bilingual Services Unit  
P. O. Box 944201  
Sacramento, CA 94244-2010

The above-reference state agency (hereinafter referred to as department) is requesting exemption from participation in the 2005-2006 Language Survey, authorized under Government Code (GC) Section 7299.5 of the Dymally-Alatorre Bilingual Services Act (Act).

### PART A

The department is submitting an Exemption Request based on its meeting one of the following criteria:

#### Criteria I

- ☐ The department participated in the 2003-04 Language Survey<sup>1</sup> which demonstrates that it consistently receives such limited public contact with the non- or limited-English speaking public that it has not been required to employ bilingual staff under GC Section 7292. These survey results reflect:
  - ☐ The department did not meet the 5% threshold for any non-English language, in any local office.
  - ☐ The department did not receive a significant number of non-English speaking contacts (25 or more), in any local office.

#### Criteria II

- ☐ The department's primary mission does not include any significant responsibility for providing information or rendering of services to the public, as follows:
  - ☐ The department's 2003-2004 Language Survey<sup>1</sup> results reflect a total of \_\_\_\_\_ public contacts, of which \_\_\_\_\_ were with non- or limited-English-speaking people. This data clearly demonstrates the department's limited public contact.
  - ☐ This is a newly established (after March 31, 2004) department, as defined under Government Code Section 11000; therefore, it has never participated in a language survey or implementation plan. The department has attached a copy of its mission statement that clearly identifies that it does not interact with the public, hold public hearings nor come into contact with non- or limited-English speaking people in carrying out its primary mission.

#### Criteria III

- ☐ The department is not subject to reporting its compliance with the Act to the SPB, as follows:
  - ☐ This department is not a "state agency" as defined under Government Code Section 11000. The department has attached a copy of the documentation identifying it as a local or public agency under Government Code Section 54951, a California State University, or other non- "state agency" or entity.

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<sup>1</sup>A state agency must have participated in the 2003-04 Language Survey to be eligible for an exemption. The Act only provides SPB with the authority to grant an exemption every other survey year.

**2005-2006 LANGUAGE SURVEY  
Request for Exemption (Continued)**

Form G

**Criteria III**

(Continued)

- ☐ Prior to the March 31, 2006 date for completion of the 2005-06 language survey, the department was/will be:
- ☐ Abolished effective \_\_\_\_\_
- ☐ Merged effective \_\_\_\_\_ with a new or existing department named \_\_\_\_\_
- \_\_\_\_\_

**PART B**

**[Required Documentation for Exemptions Requested under Criteria I and II]**

In addition to meeting Criteria I or II, the department has demonstrated its commitment to comply with the Act by implementing the following:

- ☐ A recent (within the last two years) Bilingual Services Policy, has been disseminated to all employees, a copy of which is attached.
- ☐ The department has identified appropriate bilingual resources, which are made available to its employees should the need arise. (Please Describe):

- ☐ The department has taken the following steps to ensure it can adequately respond to any non-English language contact it might receive, in compliance with the Act. (Please Specify):

**PART C**

Should you have any questions or require additional information regarding the department's request for exemption, please contact \_\_\_\_\_ at (\_\_\_\_) \_\_\_\_\_.

Submitted By:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)